



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/593,543	06/14/2000	Stephen P. Forte	T7093.0004/P001	8081

24998 7590 08/02/2004

DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
2101 L STREET NW
WASHINGTON, DC 20037-1526

EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
----------	--------------

2642

DATE MAILED: 08/02/2004

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/593,543

Applicant(s)

FORTE, STEPHEN P.

Examiner

Quynh H Nguyen

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 4/12/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,9-18,28,30-32,36-41 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,9-18,28,30-32,36-41 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>16,18</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 28 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The last limitation of claim 28 recites, "... the extension is an extension of the enterprise telecommunication network, not a direct-inward-dialed telephone number. It is unclear what not a direct-inward-dialed telephone number is?

Claim Rejections - 35 USC § 103

4. Claims 1-4, 10-18, 28, and 30-32, 36-41, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harlow et al. (U.S. Patent 5,206,901) in view of Brennan et al. (U.S. Patent 5,329,578) and further in view of Loucks (U.S. Patent 6,760,412).

Regarding claims 1-3, 31, 32, 40, and 41, Harlow et al. teach a receiving module receiving a telephone call (col. 2, lines 32-34); a processor ("switching

Art Unit: 2642

service point") identifying a dialed telephone number ("a destination directory number" - see Abstract and col. 2, line 12) associated with the call, the processor using the dialed telephone number to retrieve a first telephone number ("primary telephone number"), a second telephone number ("secondary telephone number"), the processor using at least one retrieved user preference ("query the shared database returns routing numbers") to route the call to at least two destination telephone numbers simultaneously (col. 2, lines 25-41).

Harlow et al. does not teach the processor routes the call to a third of the at least two destination numbers corresponding to the voice mail box telephone number after a predetermined time.

Brennan et al. teach the processor routes the call to a voice mailbox telephone number after predetermined time as defined by at least one retrieved user preference (Table 4.0). However, both Harlow and Brennan do not teach authenticating an answered call before connecting the answered call.

Loucks teaches the DSP 42 (Fig. 2) does not immediately connect an answered call, the DSP 42 detects whether a person, an answering machine, a facsimile machine, or a modem has answered the call (col. 6, lines 35-39), and authenticates the answer by requiring the receiving party who answered the call to press a DTMF to ensure that the call has not been connected to an answering machine or other unwanted device (col. 14, line 65 through col. 15, line 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of the processor routing the call to a voice mailbox telephone number after predetermined time, as taught by

Art Unit: 2642

Brennan, in Harlow's system in order to avoid unavailable called party from missing important telephone calls. Furthermore, to incorporate the feature of authenticating an answered call before connecting the answered call, as taught by Loucks, in Harlow's system in order to ensure that the call has not been connected to an answering machine or other unwanted device.

Regarding claim 4, Brennan et al. teach the predetermined time corresponds to a number of telephone rings (col. 5, line 60 through col. 6, line 15).

Regarding claims 10 and 15, Harlow et al. does not teach the processor receives the call from a private branch exchange or public switched telephone network, and at least one destination is associated with a private branch exchange. Both calls origination and termination could be in the same or different switch, the same switch is the preferred mentioned in claims 10 and 15.

Regarding claims 11, 12, 16, 36, and 43, Harlow et al. teach the call is routed to a cellular telephone, which can operate independently from the telecommunication device (Fig. 1, 136 and col. 4, lines 6-19).

Regarding claims 13, 14, 37, and 38, Harlow et al. does not teach the call is routed to a destination associated with a pager or a personal digital assistant. It would have been obvious that a personal digital assistant is also one of the pluralities of telephones.

Regarding claims 17 and 18, Harlow et al. does not teach the processor is connected to a local area network or the Internet and at least one user preference is input via the local area network or Internet. It would have been

Art Unit: 2642

obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above mentioned feature into Harlow et al.'s system in order to have a better system.

Claim 28 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Harlow et al. teach a connect unit (Fig. 1, SSP 110); first communication device at an extension of the "communication network" associated with the user (Fig. 1, 111); second communication device to the user (Fig. 1, 112). Network 100 in Harlow has devices extensions off of the communication network (Fig. 1), and network 12 in Brennan also has devices extensions off of the communication network (Fig. 1a).

Claims 30 and 39 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Harlow et al. teach the machine-executable control program to perform various functions ("program processor 113 in SSP 110").

5. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harlow et al. (U.S. Patent 5,206,901) in view of Brennan et al. (U.S. Patent), further in view of Loucks (U.S. Patent 6,760,412) and further in view of Swan (U.S. Patent (5,978,451).

Regarding claim 9, Harlow et al. does not teach the processor prompts a caller of the telephone call with a menu of call destination options and the processor places the call to at least one destination telephone number in accordance with an option selected by the caller.

Art Unit: 2642

Swan teaches a caller of the telephone call was prompted with a menu of call destination options and the call is routed to at least one destination telephone number in accordance with an option selected by the caller (col. 7, line 63 through col. 8, line 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of prompting a caller of the telephone call with a menu of call destination options and route the call to at least one destination telephone number in accordance with an option selected by the caller, as taught by Swan, in Harlow et al.'s system in order to allow callers have more control of the destination.

Response to Arguments

6. Applicant's arguments with respect to claims 1-4, 9-18, 28, 30-32, 36-41 and 43 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments are addressed in the above claims rejection.

Applicant argues that none of the references cited teaches a telecommunication device capable of identifying a dialed telephone number associated with the call. Examiner respectfully disagrees. The dialed telephone number in the instant application is analogous to "a destination directory number" in Harlow and "a personal number" in Brennan.

Applicant argues that Harlow and Brennan cannot resolve extensions of "the communication network". Examiner respectfully disagrees. Network 100 in Harlow and network 12 in Brennan are communication networks, and there are

Art Unit: 2642

devices extensions of the communication network 100 in Harlow (Fig. 1) and in Brennan (Fig. 1a).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

qhn

Quynh H. Nguyen

July 22, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600